

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARTHUR BRENNAN MALLOY, #101329,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 2:21-cv-332-ECM
)	(WO)
JULIA JORDAN WELLER - CLERK)	
OF THE SUPREME COURT OF)	
ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

On January 25, 2022, the Magistrate Judge entered a Recommendation that this case be dismissed with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i-iii). (Doc. 10). Objections to the Recommendation were due no later than February 8, 2022. On February 15, 2022, the Court entered a memorandum opinion and final judgment dismissing this case. (Docs. 11 & 12). However, the Plaintiff's objections to the Recommendation signed on February 4, 2022, were not received by the Court until February 16, 2022. (Doc. 13). Accordingly, in order to consider the Plaintiff's objections, it is

ORDERED that the final judgment (doc. 12) and memorandum opinion (doc. 11) entered on February 15, 2022 are VACATED.

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The

district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge’s Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992) (“[w]henver any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”) (quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has reviewed the Plaintiff’s objections wherein he reiterates the claims presented in the amended complaint. Due to the lack of specificity in the Plaintiff’s objections, the Court undertook a review of the Plaintiff’s Objections under the clear error standard. The Plaintiff does not point to any error committed by the Magistrate Judge, but instead re-offers a recitation of the claims made in his amended complaint. The Court finds that the well-reasoned Recommendation of the Magistrate Judge effectively addresses the Plaintiff’s claims. Accordingly, upon an independent review of the file in this case and for good cause, it is

ORDERED as follows that:

1. the Plaintiff’s objections (doc. 13) are OVERRULED;

2. the Recommendation of the Magistrate Judge (doc. 10) is ADOPTED; and
3. this case is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i-iii).

A separate Final Judgment will be entered.

Done this 24th day of February, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE